

REMARKS

In the FINAL Office Action mailed June 2, 2006, the Office noted claims 1-71 are pending in the application. The Office rejected claims 1-71 as obvious under 35 U.S.C. §103 contended "Disclosed Prior Art" in view of Alaia (U.S. Pat. No. 6,199,050). The Applicants have cancelled claims 2 and 10 and have amended claims 1, 3-7, 11-14, 16, 17, 21, 22, 24, 26, 28, 30, 33, 34, 36, 39, 40, 43, 44 and 46. Claims 1, 3-9, 11-71 remain pending in the present case. No new matter has been added.

In light of a Telephonic Office Interview, summarized below, and with the above amendments and the following remarks, the Applicants submit none of the claims now pending in the application are obvious under the provision of 35 U.S.C. §103. Accordingly, the Applicants request the Office withdraw the rejection and issue a Notice of Allowance.

Examiner's Interview Summary

The Applicants wish to thank the Office for the Telephonic Interview among the undersigned, Examiner Borlinghaus, and his supervisor, Examiner Colbert, on November 21, 2006 at 10:00 AM. During the Interview, the claims were discussed in general and specifically with respect to claims 1, 2, 3 and 9.

In the general discussion, the Office contended that many of the pending claims are vague and indefinite under 35 U.S.C. §112. In particular, the Office suggested the claims be amended so the claim language is consistent throughout each claim and throughout the claims as a whole. The Applicants have reviewed all claims accordingly. By way of example, the Applicants amended certain of the claims so the phrase "at least one specified commodity" is now used consistently throughout the claims. The Office also suggested the Applicant review (and amend where necessary) all pending claims to ensure the claim sets flow logically. Therefore, per the Office request, the Applicants reviewed all pending claims and amended, as listed above, those claims to more particularly point out and distinctly claim embodiments of the present invention.

In the specific discussion, the Office suggested that claim 2 would be allowable over Alaia if rewritten in independent form, including all of the limitations of

the base independent claim 1. The Applicants have amended claim 1 to, in part, include the limitation of dependent claim 2. Thus, favorable reconsideration is respectfully requested.

Rejections

The Office rejected claims 1-23, 25-33, 35-43 and 45-71 under 35 U.S.C. §103(a) as being unpatentable over what the Office refers to as "Disclosed Prior Art (specification pp. 1-5)" in view of U.S. Patent No. 6,199,050 (hereinafter "Alaia"). The Applicants respectfully traverse this rejection.

The Applicants respectfully disagree with the Office that the specification pp. 1 – 5 is disclosed prior art. The specification p. 1 – 5 is merely explanatory background information. Furthermore, the Applicants respectfully submit the Office has not properly applied the combination of cited references (assuming the combination is proper, which the Applicants do not concede) to establish a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine teachings found in the references. Second, there must be a reasonable expectation of success. Finally, the cited reference (or references when combined) must teach or suggest all the claim limitations. See MPEP 2142.

The cited references must suggest the desirability of the claimed invention. See MPEP 2143.01. More specifically, the suggestion or motivation to combine the cited references must be found within the references. The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999). The mere fact references can be combined or modified does not render the resultant combination obvious unless the cited references also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Further, a statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention

was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. Ap. & Inter. 1993); *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999).

Regarding the rejection of claim 1, the Office contends the "Disclosed Prior Art" discloses each element of claim 1 except that the limitation of "updating a database of commodity information. . ." is not disclosed in the "Disclosed Prior Art". The Applicants first submit that what is contended as "Disclosed Prior Art" is not admitted prior art at all. The Applicants are merely explaining in the "Background of the Invention" section of the present patent application the known arduous and burdensome bidding process of larger corporations and other users for telecommunications services.

The Office then cites Alaia as disclosing a reverse auction conducted in an online environment. Further, the Office cites Alaia as teaching "comparing the proposed price to the estimated market price of the specified commodity, and updating the database with the proposed price so the estimated market price more accurately approximates an actual market price. The Applicants respectfully traverse this rejection.

Notwithstanding the above, in view of the Telephonic Examiner's Interview, as suggested by the Office, the Applicants have amended claim 1 to clarify certain inconsistencies, to positively claim the database of commodity information. The Applicants have also clarified that the database is updated if the proposed price is less than the estimated market price (from now cancelled dependent claim 2) so the estimated market price more accurately approximates an actual market price.

Amended claim 1 now recites (emphasis added):

1. A method of updating a database of commodity information, comprising:
providing a database of commodity information comprising predefined commodity designations representing predefined commodities, and an estimated market price stored in association with one or more of the predefined commodity designations;

providing an online reverse auction environment accessible via a computer network;

receiving a request for proposals (RFP) accessible via a computer network from a customer at the online reverse auction environment, the RFP including a request for bids on at least one specified commodity of the predefined commodities;

soliciting multiple potential vendors accessible via a computer network to submit proposals responsive to the RFP in the online reverse auction environment;

receiving one or more vendor proposals in the online reverse auction environment, at least one or more of the vendor proposals being responsive to the RFP and including a proposed price for the at least one specified commodity;

extracting the proposed price for the at least one specified commodity from each of the responsive vendor proposals;

comparing the proposed price for the at least one specified commodity to the estimated market price of the at least one specified commodity; and

updating the database with the proposed price for the at least one specified commodity if the proposed price is less than the estimated market price so the estimated market price more accurately approximates an actual market price.

Alaia fails to disclose, teach or suggest a database of commodity information that comprises predefined commodity designations representing predefined commodities, and an estimated market price stored in association with one or more predefined commodity designations. Furthermore, Alaia does not disclose, teach or suggest updating the database with the proposed price for the at least one specified commodity if the proposed price is less than the estimated market price. . .. The "Disclosed Prior Art", to which the Applicants do not agree, also does not disclose, teach or suggest these elements.

The Office attempts to bridge the gap between what is disclosed in Alaia ("A second option is to set a ceiling at the lowest bid." col. 21, lns. 33-38) with the asserted knowledge available to one of ordinary skill in the art. Specifically, the Office contends it would have been obvious to "further modify Disclosed Prior Art by incorporating a market price (ceiling) into the online reverse auction based upon the current lowest bid. . . and to readjust the estimated market price. . . to reflect the actual market price (lowest current bid), [in order] to filter out otherwise de-prioritize incoming bids which are not as low as the estimated market price." (See June 2, 2006 Office Action, pg. 6). This section of Alaia is taken out of context. It is referring

to setting a ceiling "at the lowest bid", not at the market price. Alaia states "(the buyer awards to the lowest bidder either at the ceiling or the market price if bidding goes below the ceiling)." (Emphasis added.) Alaia further states, "Thus, the buyer loses the benefit of receiving the lowest bid possible from such suppliers." Therefore, Alaia teaches away from that which is now positively claimed in amended claim 1.

Furthermore, as discussed above, a statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. See MPEP 2143.01; *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. Ap. & Inter. 1993); *AI-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999).

Ordinarily, there must be some form of evidence in the record to support an assertion of common knowledge. See MPEP 2144.03B; *Lee*, 277 F.3d at 1344-45, 61 USPQ2d at 1434-35 (Fed. Cir. 2002); *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697. A general conclusion concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection.

Neither the specification, pp. 1-5, nor Alaia, alone or in combination, teaches updating a database with a proposed price if the proposed price is less than the estimated market price so the estimated market price more accurately approximates an actual market price. Further, the Office cannot rely upon knowledge available to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support an obviousness rejection under 35 U.S.C. 103. Therefore, amended claim 1 is not obvious under 35 U.S.C. 103(a). As such, the Applicants respectfully request reconsideration of and withdrawal of the rejection of claim 1.

Furthermore, claims 3-8 depend, directly or indirectly, from independent claim 1 and recite additional limitations therefore. Because independent claim 1 is now believed to be allowable, claims 3-8 are also allowable. Applicants respectfully request the rejection of claims 3-8 be withdrawn.

Regarding claim 9, the Office has rejected this claim as obvious under 35 USC § 103 under the same cited references and rationale as applied in the rejections of claims 1-8 above. Accordingly, the Applicants have amended independent claim 9 (adding the limitations of claim 10) in a similar manner as amended independent claim 1. As such, amended claim 9 now recites (emphasis added):

9. A method of updating a database of commodity information, comprising:

providing a database of commodity information comprising multiple predefined commodity designations representing multiple predefined commodities, an estimated market price stored in association with at least one of the commodity designations, and a nonprice market term stored in associated with one or more of the commodity designations;

providing an online reverse auction environment accessible via a computer network;

receiving a request for proposals (RFP) accessible via a computer network from a customer at the online reverse auction environment, the RFP including a request for bids and a desired nonprice term for at least one specified commodity of the predefined commodities;

soliciting multiple potential vendors accessible via a computer network to submit proposals responsive to the RFP in the online reverse auction environment;

receiving one or more vendor proposals in the online reverse auction environment, at least one of the one or more vendor proposals being responsive to the RFP and including a proposed price for the at least one specified commodity and a proposed nonprice term;

extracting the proposed price and the proposed nonprice term from the at least one responsive vendor proposal;

comparing the proposed price and the proposed nonprice term with the respective estimated market price and nonprice market term of the database corresponding to the at least one specified commodity; and

updating the database with the proposed price for the at least one specified commodity if the proposed price is less than

the estimated market price so the estimated market price more accurately approximates an actual market price.

The Applicants also note that claim 9, in addition to the patentable limitations similar to amended claim 1, also includes additional limitations, for example, a nonprice market term stored in associated with one or more of the commodity designations, such that it is patentable over the cited references. Both the alleged "Disclosed Prior Art" and Alaia, either alone or combined, do not include at least this limitation as well as those discussed above. Thus, the Applicants respectfully request reconsideration of this rejection.

Furthermore, claims 11-15 depend, directly or indirectly, from independent claim 9 and recite additional limitations therefore. Because independent claim 9 is now believed to be allowable, claims 11-15 are also allowable. The Applicants respectfully request the rejection of claims 11-15 be withdrawn.

With respect to both claims 1 and 9, and their respective dependents, the Office has erroneously concluded that the bidding environment disclosed in the specification is equivalent to a reverse auction. In contrast, a bidding environment as claimed in amended claim 1 and 9 requires a much more robust analysis than a mere reverse auction. The bidding environment, as claimed, comprises an iterative process whereas known reverse auctions relate to bidding on one item at a time, with no reuse or reassemble features such as those provided by claimed embodiments of the present invention.

The Office has rejected independent claim 16 as obvious under 35 USC § 103. The rejection is respectfully traversed. The Office contends that the specification p. 1 – 5 discloses:

a customer traffic history information collection including traffic information (historical call data) describing a historical quantity of the telecommunications service used by a customer during a previous time period (billing period); an RFP preparation stage for preparation of a request for proposals (RFP) describing an anticipated quantity of the telecommunications service, the RFP preparation utilizing the historical quantity from the customer traffic history information collection for use in determining the anticipated quantity of the telecommunications service; a reverse auction (bidding) environment, accessible by multiple potential vendors, the

potential vendors including one or more interested vendors, the auction environment adapted to display the RFP to the interested vendor and to receive bids on the RFP from the interested vendors; and a bid analysis stage in communication with the auction environment for analyzing the received bids.

The Office concedes the specification pp. 1 – 5 does not disclose:

a best of class database including an estimated market price for at least one telecommunications service;

a customer traffic history database including traffic information describing a historical quantity of the telecommunications service used by a customer during a previous time period;

an RFP preparation module accessible by the customer via the Internet for preparation of a request for proposals (RFP) describing an anticipated quantity of the telecommunications service, the RFP preparation model being adapted to extract the historical Quantity from the customer traffic history database for use in determining the anticipated quantity of the telecommunications service;

an online reverse auction environment. accessible by multiple potential vendors via the Internet, the potential vendors including one or more interested vendors, the online reverse auction environment adapted to display the RFP to the interested vendor and to receive bids on the RFP from the interested vendors; and

a bid analysis module in communication with the online reverse auction environment and the best of class database for analyzing the received bids.

The Applicants agree with the Office that the above limitations are not disclosed in the specification pp. 1 – 5 or Alaia, either or alone or in combination. Therefore, amended claim 16 is allowable over the cited references. Furthermore, claim 16 has been amended to more particularly point out and distinctly claim an embodiment of the present invention. The Applicants also reiterate the arguments made in the previous responses to the past Office Actions and such arguments are incorporated herein by references as if stated again in full. Thus, the Applicants respectfully request the rejection of claim 16 be withdrawn.

Claims 17 to 23 and 25-27, depend directly or indirectly, from independent claim 16 and recite additional limitations therefor. Because independent claim 16 is

allowable, claims 17 to 23 and 25-27 are also allowable. Applicants respectfully request the rejection of claims 16 to 23 and 25-27 be withdrawn.

The Office has rejected independent claim 28 as obvious under 35 USC § 103 on the same basis as independent claims 9 and 16. The rejection is respectfully traversed. As discussed above, independent claims 9 and 16 are patentable over the cited references. Claim 28, which has been amended to more particularly point out and distinctly claim an embodiment of the present invention, includes similar limitations as claims 9 and 16 with additional patentable limitations. Therefore, independent claim 28 is also patentable over the cited references. Therefore independent claim 28 is also allowable.

Claims 29 to 38, depend directly or indirectly, from independent claim 28 and recite additional limitations therefor. Because independent claim 28 is allowable, claims 29 to 38 are also allowable. Applicants respectfully request the rejection of claims 28 to 38 be withdrawn.

The Office has rejected independent claim 39 as obvious under 35 USC § 103. The rejection is respectfully traversed. The Office concedes the specification pp. 1 – 5 does not teach a system comprising:

a best of class database including multiple generic classes of telecommunications service and an estimated market price for one or more of the generic classes of telecommunications service;

a customer traffic history database including traffic information describing a historical quantity of at least some of the generic classes of telecommunications service used by a customer during a previous time period;

a spending analysis software module for reading multiple telecommunications billing statements including traffic detail data,

extracting the traffic detail data from the telecommunications billing statements, converting the traffic detail data to the generic classes of

telecommunications service, and updating the historical quantity of the customer traffic history database with the converted traffic detail data;

an RFP preparation module accessible by the customer via the Internet for preparation of a request for proposals (RFP) describing an anticipated

quantity of a specified one of the generic classes of telecommunications service, the RFP preparation module being adapted to extract the historical quantity from the customer traffic history database for use in

determining the anticipated quantity of the specified generic class of telecommunications service;

an online reverse auction environment accessible by multiple potential

vendors via the Internet, the potential vendors including one or more interested vendors, the online reverse auction environment adapted to

present the RFP to the interested vendors and to receive bids on the RFP from the interested vendors;

a bid analysis module in communication with the online reverse auction environment and the best of class database for analyzing the received

bids and generating a feedback in response to the received bids; and

a database updating module for updating the best of class database with at least one of the received bids so that the estimated market price more

accurately approximates an actual market price.

Further, the Office cites Alaia as teaching a feedback mechanism to keep all bidders and potential bidders appraise (*sic*) of the status of the marketplace and their place within the marketplace. The Office also cites Alaia as teaching:

A second option is to set a ceiling at the lowest bid. In this case, some suppliers may be prevented from bidding because they cannot meet the ceiling. This does not matter if the buyer is indifferent over which supplier to award to (the buyer awards to the lowest bidder either at the ceiling or the market price if bidding goes below the ceiling). (see col. 21, lines 33 – 38)

The Office concludes it would have been obvious to automate the method disclosed in the specification pp. 1 – 5, add a feedback mechanism as disclosed in Alaia to keep all bidders and potential bidders appraised of the status of the marketplace and their place within the marketplace, store and update information in a database, and construct the invention using a modular design. The Applicants respectfully disagree.

The prior art must suggest the desirability of the claimed invention. See MPEP 2143.01. More specifically, the suggestion or motivation to combine the prior art references must be found within the references. The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Further, a statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levingood*, 28 USPQ2d 1300 (Bd. Pat. Ap. & Inter. 1993); *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999)

More specifically, the specification pp. 1 – 5 teaches a conventional RFP environment in which vendors submit a single bid in response to the RFP and the bids are evaluated. Alaia teaches a reverse auction environment, but fails to disclose at least a "best of class database including multiple generic classes of telecommunications service and an estimated market price for one or more of the generic classes of telecommunications service" and "a database updating module for updating the best of class database with at least one of the received bids so that the estimated market price more accurately approximates an actual market price." Applicants' amended claim 39 positively recites such limitations

There is no suggestion or motivation to combine the specification pp. 1 – 5 (if permissible at all) with Alaia within either of the references. Further, even though the teachings of the references cited by the Office, i.e., specification pp. 1 – 5, Alaia, disclose certain features, this is insufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. Therefore, independent claim 39 is allowable.

Furthermore, claims 40 to 48 depend directly or indirectly, from independent claim 39 and recite additional limitations therefor. Because independent claim 39 is

allowable, claims 40 to 48 are also allowable. The Applicants respectfully request the rejection of claims 39 to 48 be withdrawn.

The Office has rejected independent claim 49 under 35 USC §103 as being unpatentable over specification pp. 1 – 5 in view of knowledge of one of ordinary skill in the art, and further as manual process that has been automated. The rejection is respectfully traversed.

The Office concedes the specification pp. 1 – 5 does not teach:

converting the traffic detail data to a generic traffic format, the generic traffic format defining multiple generic classes of service, storing the converted traffic detail data in a customer traffic history database, and summarizing the converted traffic detail data.

The Office contends that the specification teaches a manual process that has been merely automated. Further, the Office cites knowledge available to one of ordinary skill in the art in combination with the teachings of the specification pp. 1-5, as rendering independent claim 49 unpatentable. The Applicants respectfully disagree. More specifically, the specification pp. 1 – 5 teaches:

To further complicate the forecasting process, the information provided in carriers' standard billing formats make it very difficult to determine the actual rates applied to particular traffic. For example, a contract between a customer and a single carrier may specify 150 different rates for hundreds of different classes of voice traffic. Service contracts may also specify discounts applicable to only a few of the contract rates in particular circumstances, such as when a volume exceeds a predetermined target. Voice traffic classes may differentiate telecommunications traffic based on origination location, termination location, whether the traffic was incoming or outgoing, the time of the traffic event, and the rate schedule to be applied. Rates for a particular call may even vary during the duration of the call. However, service class designators are not typically listed in the billing formats used by most carriers. Also, while the service contract may clearly define the applicability of discounts, carrier bills often fail to clearly identify calls to which the discounts have been applied. Consequently, summarizing and analyzing billing information is a complicated task.

The specification is focused upon the extraction and summarization of billing information from billing statements, not on the extraction and summarization of traffic data.

The Office's attention is directed to the fact that the specification pp. 1 – 5 fails to teach or suggest extracting traffic detail data from multiple billing statements, converting the traffic detail data to a generic traffic format, storing the generic traffic detail data, and summarizing the converted traffic detail data, as positively claimed in independent claim 49. Specifically, independent claims 49 recites (emphasis added):

49. A computer-implemented method of analyzing telecommunications traffic, comprising:
extracting traffic detail data from multiple billing statements, the billing statements being received from various telecommunications carriers, the traffic detail data of each billing statement describing at least one telecommunications traffic event;
converting the traffic detail data to a generic traffic format, the generic traffic format defining multiple generic classes of service;
storing the converted traffic detail data in a customer traffic history database; and
summarizing the converted traffic detail data.

The Office erroneously equates the specification pp. 1 – 5 with the novel features of independent claims 49. That is, claim 49 claims extracting, converting, storing and summarizing traffic detail data or information, not billing information. Traffic detail information can be of several types including voice, cellular, paging, and data transmission. As stated in the Background of the Invention section:

Additional telecommunications carriers may be used for certain classes of service, such as calls and other traffic between specific locations or at certain times. Furthermore, multiple telecommunications carriers are commonly used for the exact same class of service, for purposes of introducing redundancy in the customer's telecommunications resources, and for other reasons. As used herein, the term "class of service" means a particular telecommunications service for transmitting voice, data, or other signals between two geographic locations. Each different type of traffic transmitted and each different origination and destination region for the traffic may constitute a unique class of service. Class of service definitions are primarily dependent upon how telecommunications carriers distinguish traffic for the purpose of applying different rates.

As detailed above, traffic detail information is unique from billing information in that there are different categories of traffic and each category includes different classes

of service. Heretofore, known methods of tracking telecommunication information were directed to tracking billing information, not traffic detail information because it was too difficult and time consuming to obtain and process traffic detail data.

The combination of the specification pp. 1 – 5 (if permissible at all), alone or in combination with knowledge possessed by one of ordinary skill in the art, does not teach each and every element of independent claim 49. Further, a general conclusion concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection. See MPEP 2144.03. Thus, independent claim 49 is allowable over the cited references.

Furthermore, claims 50 – 59 depend, directly or indirectly, from independent claim 49 and recite additional limitations therefor. For these and the same reasons discussed above, dependent claims 50 – 59 are also allowable over the cited references and are in condition for allowance. Applicants respectfully request the rejection of claims 50 to 59 be withdrawn.

The Office has rejected independent claim 60 under 35 USC §103 as being unpatentable over specification pp. 1 – 5 in view of knowledge of one of ordinary skill in the art. The rejection is respectfully traversed. The Office concedes the specification pp. 1 – 5 does not teach:

a system comprising: a set of computer-readable translation rules that relate the traffic detail data to multiple predefined generic classes of service, a traffic genericizing module for converting the traffic detail data to a generic traffic detail format in accordance with the translation rules a customer traffic history database for storing the converted traffic detail data; and a traffic analysis software module in communication with the customer traffic history database for analyzing the converted traffic detail data to thereby allow convenient summarizing, storage, and reporting of the traffic detail data.

Further, the Office states “[c]onverting, translating, standardizing and/or categorizing data or information into a pre-determined generic/common format or grouping is old and well known in the art of computer systems and information management” and “[s]torage of information in a database and updating of such information is old and

well known in the art of computer system and database design". The Office concludes the specification pp. 1 – 5 in view of knowledge of one of ordinary skill in the art renders independent claim 60 obvious under 35 USC § 103. Claim 60 specifically states (*emphasis added*):

60. A computer-implemented telecommunications spending analysis system for analyzing multiple telecommunications billing statements received by a customer from various telecommunications carriers, each telecommunications billing statement including traffic detail data for multiple telecommunications traffic events, comprising:
a set of computer-readable translation rules that relate the traffic detail data to multiple predefined generic classes of service;
a traffic genericizing module for converting the traffic detail data to a generic traffic detail format in accordance with the translation rules;
a customer traffic history database for storing the converted traffic detail data; and
a traffic analysis software module in communication with the customer traffic history database for analyzing the converted traffic detail data to thereby allow convenient summarizing, storage, and reporting of the traffic detail data.

As discussed above, the cited references must suggest the desirability of the claimed invention. See MPEP 2143.01. More specifically, the suggestion or motivation to combine the cited references must be found within the references. The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *AI-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999). Further, a general conclusion concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection. See MPEP 2144.03.

The combination of the specification pp. 1 – 5, (if permissible at all) alone or in combination with knowledge possessed by one of ordinary skill in the art does not teach each and every element of independent claim 60. Thus, independent claim 60 is allowable over the cited references.

Furthermore, claims 61 – 71 depend, directly or indirectly, from independent claim 60 and recite additional limitations therefor. For these and the same reasons

discussed above, dependent claims 61 – 71 are also allowable over the cited references and are in condition for allowance. Applicants respectfully request the rejection of claims 61 to 71 be withdrawn.

The Office further rejects claims 24, 34 and 44 under 35 U.S.C. 103(a) as being unpatentable over Disclosed Prior Art and Alaia, as in Claims 16, 28 and 39 above, and in further view of Culloton. Because claims 24, 34 and 44 depend from independent claims discussed above, which the Applicants claim are patentable, these dependent claims are also patentable.

Conclusion

Thus, the Applicants submit claims 1, 3-9, 11-71 fully satisfy the requirements of 35 U.S.C. §§102 and 103. Consequently, the Applicants believe all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

In addition to the statutory fee of \$1020.00 for a large entity, for an extension of time of three months, the Commissioner is hereby authorized to charge any fees, and/or credit any overpayment associated with this application to Deposit Account No. 50-3562

Respectfully submitted,
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